

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

In Re:

**MICHAEL DEWAYNE SEYMOUR
EARLENE LINDA SEYMOUR**

Debtors.

**Case No. 12-12688-NLJ
Chapter 13**

**MOTION TO DISMISS CASE FOR FAILURE TO PAY
PLAN PAYMENTS COMBINED WITH BRIEF IN SUPPORT
AND NOTICE OF OPPORTUNITY FOR HEARING**

COMES NOW John Hardeman, Chapter 13 Trustee ("Trustee"), and files his Motion to Dismiss the above-styled Chapter 13 case pursuant to provisions of 11 U.S.C. Section 1307(c). In support of his Motion, the Trustee would show the Court the following:

1) This bankruptcy case was filed under Chapter 13 on May 30, 2012, and a plan was confirmed by this Court on September 11, 2012. Pursuant to the confirmed plan, the debtors are required to pay monthly plan payments in the amount of \$250.00. The debtors have failed to pay all required plan payments, and are \$1,000.00 delinquent as of November 29, 2013.

2) Section 1307(c)(6) of the Bankruptcy Code provides the Court may dismiss a case for cause, including a material default with respect to a term of a confirmed plan. The failure of the debtors to pay required plan payments constitutes a material default warranting dismissal of the case.

WHEREFORE, for the reason stated above, the Chapter 13 Trustee requests the Court dismiss this Chapter 13 case pursuant to the provisions of 11 U.S.C. Section 1307(c).

NOTICE OF OPPORTUNITY FOR HEARING

Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effect of this document. If you do not want the Court to grant the requested relief, or you wish to have your views considered, you must file a written response or objection to the requested relief with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102 no later than 14 days from the date of filing of this request for relief. You should also serve a file-stamped copy of your response or objection to the undersigned movant/movant's attorney [and others who are required to be served] and file a certificate of service with the Court. If no response or objection is timely filed, the Court may grant the requested relief without a hearing or further notice.

The 14 day period includes the three (3) days allowed for mailing provided for in Bankruptcy Rule 9006(f).

Respectfully submitted,

s/John Hardeman

John Hardeman, Trustee
321 Dean A. McGee Avenue
PO Box 1948
Oklahoma City, OK 73101
13trustee@chp13okc.com
Tel: (405) 236-4843
Fax: (405) 236-1004

CERTIFICATE OF MAILING

This is to certify that on December 04, 2013, a true and correct copy of the foregoing document was served by U.S. Mail, first class, postage prepaid, on the following:

MICHAEL DEWAYNE SEYMOUR
EARLENE LINDA SEYMOUR
PO BOX 142
RANDLETT, OK 73562

FIFTH THIRD BANK
9441 LBJ FREEWAY STE 350
DALLAS, TX 75243

GREEN TREE SERVICING LLC
PO BOX 6154
RAPID CITY, SD 57709-6154

JULIE M EZELL
ASSISTANT GENERAL COUNSEL
120 N ROBINSON STE 2000
OKLAHOMA CITY, OK 73102

PORTFOLIO RECOVERY ASSOCIATES
PO BOX 41067
NORFOLK, VA 23541

SANTANDER CONSUMER
PO BOX 961245
FORT WORTH, TX 76161

s/John Hardeman
John Hardeman, Trustee

kaw